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THE FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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**MEMORANDUM**

TO: The Commission

FROM: Daniel A. Petalas  
Associate General Counsel for Enforcement

BY: Mark Shonkwiler *MS*  
Assistant General Counsel for Enforcement

Michael A. Columbo *MC*  
Attorney

SUBJECT: MUR 6521 and 6742 (Republican Party of Minnesota / Anthony Sutton) - Pre-Probable Cause Conciliation Agreement

**I. INTRODUCTION**

Attached is a proposed conciliation agreement for the Republican Party of Minnesota and Bron Scherer in his official capacity as treasurer (the "Committee"). Attachment 1. This agreement would settle the Committee's violation of 52 U.S.C. § 30104 (formerly § 434(b)) for inaccurately disclosing its receipts, disbursements, and debts. In addition to recommending that the Commission accept this agreement, we also recommend that the Commission dismiss this matter as to Anthony Sutton for the reasons we explained in General Counsel's Report #2 and close the file.

1 **III. ANTHONY SUTTON**

2  
3 The Complaint alleged that Anthony Sutton violated the disclosure and recordkeeping  
4 provisions of the Act applicable to political committee treasurers, and that in doing so he violated  
5 the terms of the conciliation agreement in MUR 5926 (Republican Party of Minnesota). See  
6 Compl. at 5; First General Counsel's Rpt. at 14, n.38 ("FGCR"). The Commission initially  
7 approved our recommendation to take no action as to those allegations. Certification at 1, MUR  
8 6521 / RR 12L-83 (June 25, 2013). As we have noted, holding Sutton individually liable for  
9 such violations would require finding that he knowingly and willfully violated the Act's  
10 provisions during his tenure as treasurer. FGCR at 14, n.38; General Counsel's Rpt. #2 at 10,  
11 n.10 ("GCR#2"). Further, after completing the investigation, we concluded that there was  
12 insufficient evidence to recommend that he knowingly and willfully violated the Act. GCR#2 at  
13 10, n.10. Accordingly, we recommend that the Commission dismiss the allegations as to Sutton  
14 at this time.

15  
16 **IV. RECOMMENDATIONS**

- 17  
18 1. Accept the attached signed conciliation agreement with the Republican Party of  
19 Minnesota and Bron Scherer in his official capacity as treasurer;
- 20 2. Dismiss the allegation that Anthony G. Sutton knowingly and willfully violated  
21 52 U.S.C. § 30104(b)(8) (formerly 2 U.S.C. § 434(b)(8)) and 11 C.F.R. §§ 104.3(d)  
22 and 104.11(a) and (b) by failing to disclose the Republican Party of Minnesota's debts.  
23
- 24 3. Dismiss the allegation that Anthony G. Sutton in his former capacity as treasurer  
25 violated the conciliation agreement in MUR 5926.  
26
- 27 4. Dismiss the allegations that Anthony G. Sutton knowingly and willfully violated  
28 52 U.S.C. § 30102(d) (formerly 2 U.S.C. § 432(d)) and 11 C.F.R. §§ 102.9(c) and  
29 104.14(b)(1)-(3) by failing to preserve the Republican Party of Minnesota's records.  
30
- 31 5. Approve the appropriate letters; and
- 32 6. Close the file.
- 33  
34  
35